

REMARKS/ARGUMENTS

Claims 1-9 are pending in the present application. Claims 6-9 have been cancelled and new claims 10-23 have been added. Claims 1, 5, 8, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Baker et al. (U.S. Patent No. 5,346,268). Claims 1, 5, and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Silvey (U.S. Patent No. 248,805). Claims 2-4 and 7 have been objected to as being dependent on a rejected based but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has amended claim 1 to overcome the rejections and added new claims 10-23.

Claims 1, 5, 8, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Baker et al. and claims 1, 5, and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Silvey. According to the Examiner, claim 7 is allowable subject matter thus the Applicant has amended claim 1 to add all of the limitations of dependent claims 6 and 7 as the Examiner considers this subject patentable over the prior art. Thus, claim 1 is considered allowable subject matter and because claims 2-5 depend on claim 1 all remaining original claims are considered in allowable form. Consequently claims 6 and 7 have been cancelled and in addition, claims 8 and 9 have been cancelled.

New claims 10-23 have been added to the present application. New independent claim 10 in part requires "a flexible stabilizing member connected to the connecting flange of the handle". Neither Baker nor Silvey teach a handle having a connecting flange that is connected to the flexible stabilizing member. Baker teaches a handle 22 on a rod 12 that is connected to a rod 17 that is not a flange and is not

connected to a stabilizing member. The Examiner has classified the rod 17 as a T-shaped hook member and thus, under the Examiner's interpretation of Baker, cannot be considered a flange. (See office action page 2). Thus, Baker does not teach a handle having a connecting flange that is connected to a flexible stabilizing member.

Silvey additionally does not teach a handle having a flange that is connected to a flexible stabilizing member. Instead, Silvey teaches a handle A that is connected to arms B, B' that extend laterally and bear against a blower on each side of the handle. (Col. 1, lines 40-47). Thus, Silvey does not teach a flange on the handle nor a stabilizing member connected to the flange. Thus, each and limitation of claim 10 is not met therefore, new claim 10 is neither anticipated nor made obvious by the cited references. New claims 11-16 depend on claim 10 and for at least this reason are considered in allowable form.

New claim 17 requires "a flexible arcuate stabilizing member connected to the handle and having ends with a horizontal portion formed to engage the top surface of the wire rack." Neither Baker nor Silvey teach this limitation. Specifically, Baker teaches a rectangular configuration 15 that has rounded corners, however, is not arcuate in shape. (See Col. 2, lines 24-33 and see Fig. 1). Thus, the Baker reference does not teach a flexible arcuate stabilizing member as is required by independent claim 17. Additionally, the Silvey reference teaches the use of two arms or horns B that extend forward and project on each side of the end of the handle like the tines of a fork. (Col. 1, lines 37-40). As best seen in Fig. 2, the Silvey reference does not teach a horizontal portion as required by claim 17. (See Fig. 2). Thus, each and every limitation of new claim 17 is not met by either the Baker or the Silvey

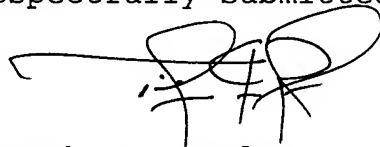
reference. Additionally, new claims 18-23 depend on new claim 17 and for at least this reason are considered in allowable form.

CONCLUSION

In view of the above amendments and remarks, Applicant believes that claims 1-5 and 10-23 are in condition for allowance and Applicant respectfully requests allowance of such claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200. All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

- JLH/bjs -